



CITY OF ELY

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ELY CITY COUNCIL SPECIAL MEETING

February 18, 2021 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

1. Mayor Robertson called the regular meeting of the Ely City Council to order at **5:03 P.M.**
Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Mayor Nathan Robertson
Councilman Jim Alworth
Councilwoman Michelle Beecher
Councilman Ernie Flangas
Councilman Ed Spear

City Officials and staff present in building or via zoom:

City Clerk Jennifer Lee
City Treasurer-HR Director Janette Trask
City Attorney Shain manuele (Zoom)
City Administrative Assistant Patti Cobb
City Engineer BJ Almberg (Zoom)
Public Works Supervisor Mike Cracraft
City Fire Chief Pat Stork
City Police Chief Scott Henriod (Zoom)

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below) and the following persons attended via video conference: Geri Wopschall, Jennifer Drew, Marietta Henry, and Mary Kerner.

Ely City Council
Special Meeting **ATTENDANCE LIST**
DATE: 2-18-2021

Print name below
Caleb Sumrall
Brandi Sumrall
Lee Walker

Print name below

2. PUBLIC COMMENT
No Public Comment

3. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.

1. Mayor Robertson – Discussion Only – Interview of candidate for City Building Official position; the applicant is Caleb Sumrall.

Mayor Robertson stated the questions that will be asked were asked of all applicants interviewed for this position and the Council will have an opportunity to ask follow-up questions of the candidate.

Caleb Sumrall:

1. **What attracted you to Ely and have you been here before?** The applicant currently lives in Ely.
2. **What do you know about the City of Ely as a governmental agency?** Mr. Sumrall stated the City of Ely has City Codes to follow as far as the structure and the City Council comes to an agreement on certain issues. The City can bring other codes into action to be enforced and referred to his employment at the Sheriff's office. As a governmental agency they work together with other entities to try and resolve issues.

Mayor Robertson asked Mr. Sumrall if he had experience with building inspectors in getting building permits and such?

Mr. Sumrall stated that he did have experience.

3. **Give a description of your past work history/experiences and how it would apply to the Building Official/Inspector position you have applied for.** Mr. Sumrall stated his construction career started in 1998 as his dad was a real estate developer and that is where he began to have interest in construction. Mr. Sumrall stated he took building trade courses in high school where he began to learn international codes and plan reading. Mr. Sumrall took a Fire Science Academy class in Reno which helped in the understanding of how buildings are built structurally and what to look for on the fire aspect as in hazards. Mr. Sumrall stated he worked for various contractors over the years and building homes from the ground up, learning to read plans/legends and feels comfortable with it. Mr. Sumrall stated he was a deputy with the Sheriff's office, but was laid off about a year ago; at that time he and his wife got their contractor's license and is now doing contractor work. Mr. Sumrall stated he has experience in small commercial, excavation, and putting in utilities such as sewer and water.

Mayor Robertson asked Mr. Sumrall in his experience with the Sheriff's Department did you review ordinances and are you familiar with them?

Mr. Sumrall stated I did enforce City and County Codes and if there were any type of violations City Building Official Christensen was notified and they would work with him to resolve those issues.

4. **What Licenses or certifications do you currently have?** Mr. Sumrall stated he holds a State of Nevada Contractor's B-2 License with residential and small commercial.
5. **Are all your licenses current or able to get current?** Mr. Sumrall stated his license is current.
6. **Are you familiar with the International Codes?** Mr. Sumrall stated he was familiar with the International Codes.
7. **Can you explain what the International Codes are?** Mr. Sumrall stated the International Codes are placed for the safety of the public. The International Codes are a good standard that everyone can adhere to. Mr. Sumrall stated from his fire science training that the codes are put in place not only to protect the residents but the firefighters that go into buildings to withstand certain heats and flame spread.
8. **How would you handle individuals that are not following the International Codes?** Mr. Sumrall stated he would let them know they are in violation of whatever code it may be, and it would depend on the severity of the violation if it would need a verbal or written warning. If safety is a concern, it needs to be brought to their attention that it is wrong and operations need to be shut down.

9. **How much experience do you have in reviewing plan reviews?** Mr. Sumrall stated he has looked at lots of plans and is familiar with reviewing them and the detail, but not a lot of experience in checking off what may be wrong with them.
10. **The position requires long distance traveling within White Pine County, approximately 30% of the time is spent travelling, does this pose any issue for you?** Mr. Sumrall stated traveling would not be an issue.
11. **What areas, if any, do you feel you may be lacking as a Building Official/Inspector?** Mr. Sumrall stated he feels he is lacking in the certifications needed for the job, but plans to get whatever he needs to do the job.
12. **The position requires you to be a resident of White Pine County, will this be an issue for you?** Mr. Sumrall is currently a White Pine County Resident.
13. **What would you describe as your goals five years from now?** Mr. Sumrall stated he hopes to be further educated in the position to better serve White Pine County and the City of Ely by enforcing codes to make it a safer community and build relationships.

Mayor Robertson asked do you have a salary expectation?

Mr. Sumrall stated I would like to be at \$65,000 to \$70,000 a year but knows that would come with further education and certifications.

Mayor Robertson asked when would you be able to start?

Mr. Sumrall stated I do have a couple of current obligations, so I would be able to start between two to four weeks.

Councilwoman Beecher stated Mr. Sumrall currently has a contracting business. Would your business go dormant if you were hired, as it would be a conflict of interest for him to inspect anything your own company had been involved with?

Mr. Sumrall stated he would not let his contractor license go, but would be willing to let his business go dormant.

Councilman Alworth stated in the last meeting the meaning of official and inspector was clarified. With Mr. Sumrall having his Contractor's License B-2, does that qualify him for the inspector position or would he still be an official?

City Attorney Manuele stated he would have to have further certifications to qualify as an inspector.

Councilman Alworth asked how would you handle it if you had conflict with a contractor and the contractor has 20+ years of experience? The City of Ely gets complaints often that the inspector is not doing what he is supposed to and asked how would you address this?

Mr. Sumrall stated that he feels you do right by people but some people you just cannot please. I believe I have good people skills and would try to work with the contractors and de-escalate situations if needed. Ultimately if it is a safety issue, that person would get a violation and has the right to appeal it.

Councilman Carson stated once the violation is determined, would you have a problem red tagging the project knowing that they have four or five guys that will not be working and how would you handle this?

Mr. Sumrall stated he would still shut down the operations until the problem could be corrected, especially if it is a safety issue as the residents and the contractor's safety should be priority.

Mayor Robertson asked Mr. Sumrall since he did lack the certifications needed for the job would he be willing to take a lower rate if offered the job with a pay increase upon receiving

certifications and if he felt getting the training completed and passing the tests would be an issue?

Mr. Sumrall stated that he would be willing to do that and did not feel the training and passing tests would be an issue.

Mayor Robertson stated he wanted to clarify that Mr. Sumrall was planning on continuing his contracting business along with this job if offered?

Mr. Sumrall stated he is not sure if he would continue his business, but would keep his contractor's license current as he worked hard to get it.

2. Mayor Robertson – Discussion/For Possible Action – Possible appointment of Lee Walker who was interviewed at the regular City Council meeting held February 11, 2021 or Caleb Sumrall as City Building Official and determination of salary.

Councilman Alworth stated he appreciated both candidates interviewing for the position. The City of Ely is under a lot of scrutiny with the Justice Center build from the County and the need for inspections to avoid shutting down and sending workers home; the person selected for this position will feel this pressure. The salary will start on the lower end at approximately \$50,000.00, but the benefits are a big plus.

Councilwoman Beecher echoed Councilman Alworth's comments and stated it is rare that we must hire someone knowingly unqualified, but both candidates are excellent. It is just a matter of getting one of them certified to do the job.

Mayor Robertson stated if the Council will indulge me on a couple thoughts. I know there has been some discussion regarding applicant Caleb Sumrall's business as a contractor currently. I know there has been some concern in the fact of continuing business and being the City Building Official at the same time. I know we have some similar situations within the City and equate this to our Engineer who we hired to do work for us and does other work in the County. If there is a conflict of interest, we bring someone else in from outside to critique that work and is this similar? This would be a question for City Attorney Manuele, and this is something to think about as the Council decides. At the very least it shows that Caleb can take and pass the test as the Contractor License is not easy. When living in a small community, most of us do more than one thing and conflict does happen. I would agree they are both dedicated people in the community.

Councilman Alworth stated a big concern with both candidates is how long will it take to get the ICC Certifications that are needed. I spoke with City Treasurer Trask on how we would determine the pay scale. Do we give a pay increase as they achieve certificates as incentive and what do we do if they don't come through with getting the certificates they need in a timely manner?

City Treasurer/HR Director Trask stated in the past we have set a timeline and the employee has the understanding if they don't meet the timeline, they are no longer employed with the City of Ely; then we start over with the hiring process.

Councilman Alworth stated the catch 22 is we are up against a knife blade with the Justice Center.

City Treasurer/HR Director Trask stated we will have the Justice Center/Courthouse inspections covered with contract labor, which will be on the agenda for next week. We do have one proposal from Brad Christensen.

Councilman Alworth stated he thought there would be a conflict with Caleb Sumrall holding a contractor license and being the City Building Official.

City Treasurer/HR Director Trask stated her thought on the conflict is that City Engineer Almberg is not on the City Payroll and is paid by the job completed. The candidate hired for the City Building Official will be on the payroll; if there is a conflict with a job, we must go outside for services and would be paying both parties.

Councilman Spear asked applicant Caleb Sumrall if he had any ongoing projects at this time?

Mr. Sumrall stated he did have some projects to finish up and could start in between two and four weeks.

Councilwoman Beecher stated it was asked of current City Building Official Christensen last meeting how long would be reasonable for someone to get all the needed certifications and he replied it was up to the aptitude of the individual.

Mayor Robertson stated his thoughts were a six-month timeline from his experience of related type of certifications. The trainings are scheduled at different times throughout the year. The candidate can take the course and then the test or if they feel confident, they can go straight to the test.

Councilwoman Beecher stated we could start the candidate at \$50,000.00 a year with a timeline of six months to get all required certifications with a review at the six-month mark to evaluate and waive the timeline if needed.

Mayor Robertson stated it has a lot of moving parts and would refer that question to City Treasurer/HR Director Trask.

Councilman Spear stated in an email received from City Clerk Lee, the Building Official training is March 1st through 5th of this year and registration is by next Tuesday. We can't be talking a six-month timeline if this course is only offered once a year and the likelihood of this person making this year's training is slim as it is too short of notice.

Mayor Robertson stated he did recall the email and stated he wondered if it was offered more often in a different capacity.

Councilwoman Beecher stated that is why I wanted to build into the motion that we do a six-month review and if there is a snafu that happens, we would have the option to extend, or maybe a year timeline is more reasonable.

City Treasurer/HR Director Trask stated this is not going to be the only certificate as there will be many they will need to get and many of those can be done online during work hours. I think it is reasonable to set a timeline to review and see what effort is being set forth to determine further evaluation with the information the candidate has at that time.

Mayor Robertson agreed with the timeline, but did say at some point there would have to be a cut-off.

City Treasurer/HR Director Trask stated there does need to be a cutoff date. In my opinion we start with a base pay based on experience of \$50,000.00 to \$80,000.00 and obviously these candidates are not qualified for what we went out for. If the candidate was started at \$50,000.00, half of that amount or so will go towards benefits and paying for training, so that is something to take into consideration.

Councilman Alworth stated this job also encompasses being a code enforcer as there are generally not a lot of inspections to be done, with the exception to the Justice/Courthouse project.

Councilman Alworth stated when people are hired for the fire department, one of the issues we've had is when we paid for the training and then if they do not stay employed with us we have lost out. The person hired needs to sign something that they are going to stay on for a certain amount of time. My recommendation would be to have the person hired pay for their training and if they remain employed with the City of Ely for a slated amount of time, then they would be reimbursed for the cost of the training.

Councilwoman Beecher stated she did not agree with the candidate hired paying for their training that we are requiring up front.

City Fire Chief Stork explained those going through EMT classes pay for their training and books up front out of their own pocket. If they sign on and run for a full year, they are reimbursed their money. If we were to send someone to the Paramedic program and pay for it we would require the individual to sign a contract stating they will stay on with our department for a certain amount of time or they would be liable to pay back the amount of the schooling. I agree with Councilman Alworth in protecting your investment because you see it often that people get training and move on to something else.

Councilwoman Beecher stated she feels comfortable with the candidate signing a contract and if the timeline of employment is not met the candidate would have to reimburse the City of Ely for the training costs. It is putting the candidates in a situation asking them to pay up front for the training not knowing what that expense will be.

City Treasurer/HR Director Trask stated she was unsure of the costs of these trainings and what kind of investment we are looking at, but in other departments they take the tests and if they pass, they are reimbursed.

Councilman Alworth stated another idea is doing a payroll deduction that works in the budget of the candidate and they will be reimbursed when the required timeline is met for employment. I feel like if the candidate is serious and really wants this position, they will work with the City Treasurer and meet the requirements.

Mayor Robertson asked City Attorney Manuele if it is legal to ask the person hired, if they leave employment within five years, to reimburse the City of Ely for those training expenses?

City Attorney Manuele stated that is something that can be done. However, it is sometimes not easy getting the money from someone once it is paid so often the route is the person pays up front and then is reimbursed after a set amount of time.

Councilman Alworth stated it can be worked out between the employee and the City of Ely, but we need to have something in place to ensure that once the employee gets the certificates that they are going to stick with the City of Ely.

Councilwoman Beecher stated she still thinks the City of Ely should pay on the front end.

Councilman Alworth stated neither candidate has an inspector license, so both will have to get continuing education. The City, with approval of the Council, can come up with a loan that will be repaid through a payroll deduction and if the timeline for completion is met, the candidate would be reimbursed. Lee Walker has a lot of years of contracting experience and Caleb Sumrall has got his contractor's license, which shows dedication. I am a little worried with Caleb Sumrall maintaining his contractor's license even though he is not out there pounding nails.

Councilman Alworth moved to offer the City Building Official job to Lee Walker at \$50,000.00 annually with details of timelines to be approved at the next City Council Meeting.

Councilwoman Beecher seconded the motion. The motion carried unanimously.

Mayor Robertson recommended that the offer be made with the understanding that the City Attorney and Treasurer/HR Director come up with an agreement of a basic timeline of licensing and the functioning of how payment and reimbursement are made, to have a draft contract to approve at the next City Council meeting.

Mayor Robertson asked the applicant, Lee Walker, if those terms were acceptable to him?

Lee Walker responded, "Yes, I will sign anything, and I am prepared to get all the learning in and do what I need to do to give back to this community."

4. PUBLIC COMMENT

No Public Comment

5. ADJOURNMENT: THIS MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE CITY COUNCIL.

Councilman Alworth moved to adjourn the Special Ely Council meeting at **6:51 P.M.**
Councilwoman Beecher seconded the motion. The motion carried unanimously

MAYOR

ATTEST

DRAFT